

Power, John

From: Bret Landrith [landrithlaw@cox.net]
Sent: Wednesday, June 01, 2005 5:37 PM
To: logan.overman@stklaw.com; demarea@stklaw.com; bblefeld@velaw.com;
bretl@medicalsupplychain.com; jgregor@stklaw.com; john.power@husch.com; Dennis Hawver;
jvaughnmock@nossaman.com; molthoff@stklaw.com; sroberts@nossaman.com;
khardee@stklaw.com
Subject: Medical Supply v. Novation et al ,Case 4:05-cv-00210-ODS Rule 16 Conference

June 1,2005

Medical Supply v. Novation et al ,Case 4:05-cv-00210-ODS

Dear Defendant Counsel

I have a schedule without set appointments between now and June 13th. All my time is currently devoted to researching and writing a brief in opposition to disbarment. If you can set a time for a telephone conference amongst yourselves, I will likely be able to be free for the conference.

Medical Supply is scanning and saving our Rule 26 disclosure documents with bates stamp numbers starting at 000001. We have over 2000 so far. Our biggest concern as highlighted in the demand letter is complying with electronic discovery guidelines and case law, including recent controversial federal rulings. We realize several million documents are in possession of the parties that are relevant to the claims being tried. The vast majority were electronically created and our concern is that they be exchanged electronically or stored in a common limited access server.

We anticipate mutual protective order concerns related to sensitive proprietary data.

The field of maneuver in contests over the extent of reasonable discovery are understandably a significant defense interest. We are amenable to bifurcating summary judgment motions with a view to limiting the burden of initial discovery. Our suggestion is that we start with the per se antitrust claims where clearly discoverable contracts and transactions would largely resolve dispositive issues.

We anticipate requiring 90 days to present our case to a jury. ~ the time taken in the Kansas District Court case for Reazin vs Blue Cross Blue Shield.

We don't anticipate any possibility prompt settling of the case.

Sincerely,

Bret D. Landrith

Attorney for Medical Supply Chain, Inc.

785-267-4084

785-876-2233

Excerpt from Court's Order of Rule 26 Conference. Case 4:05-cv-00210-ODS Document 29 Filed 04/05/2005:

"The Proposed Plan shall also state whether the case will be tried to the Court or to a jury and the anticipated length of the trial. See Local Rule 16.1(t)(5). In accordance with Local Rule 16.1(d), plaintiffs counsel shall take the lead in preparing the Proposed Plan. The Rule 26(f) conference shall take place on or before June 13,2005. Counsel are reminded that FRCP 26(a)(1) disclosures must be completed within ten (10) days after the Rule 26(f) conference. During the Rule 26(f) conference, the parties shall discuss the nature and bases of their claims and defenses and shall discuss the possibilities for a prompt settlement of the case. Discovery may not commence before the conference is held except under the conditions set forth in FRCP 26(d)."

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